

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LANCE CORPORAL JONATHAN ETTERLING

Mr. President, I rise today to pay tribute to Marine LCpl Jonathan Etterling, from Wheelersburg, OH, who died on January 26, 2005, in a helicopter crash near Rutbah, Iraq. He was 22 years old. He is survived by his parents William and Kay and his sister Angela.

Born December 27, 1982, in Portsmouth, OH, Jonathan—Jon to his family and friends—was fascinated by military life from a young age. As a boy, his mother remembers him spending hours taking apart a rifle and putting it back together. His bedroom walls were covered with military posters. He loved war stories and movies—anything that represented bravery, selflessness, and sacrifice.

Jon's decision to join the Marines didn't surprise anyone who knew him. As his Sunday school teacher Cathy Sizemore said, "Some people have a higher calling. Jon's was his country."

Although Jon was the Etterling's only son, Jon had three surrogate brothers growing up—his lifelong friends James Howard, Josh Huddleston, and Alex Watts. The three met as young kids growing up on the playgrounds of Wheelersburg.

Alex remembers meeting Jon in first grade. Standing in knee high tube socks and sporting a goofy grin, Jon had asked him, "Hey—you wanna be friends?" Alex, shy and somewhat surprised, was happy to agree. Like so many other people, he was drawn to Jon's good-natured enthusiasm. Quickly Jon, James, Alex, and Josh became inseparable, causing others to jokingly refer to them as the Four Musketeers.

As a cheerful, easy-going student at Wheelersburg High School, Jon excelled in the classroom and on the playing fields. He demonstrated boundless energy and dedication, playing nose tackle on the football team, running track, singing in the chorus, and acting in plays. He was, as his high school superintendent described, "an outstanding young man . . . one of those kids who made you smile just being around him."

Jon was also an extremely hard worker. Jon was always trying to better himself, doing everything his athletic coaches asked of him. This work ethic earned Jon the respect of fellow teammates and coaches. One of his football teammates, Bryan Yelley, said this of Jon's attitude:

He was just one of those guys who got along with everybody. He played hard—did everything as hard as he could. Whenever he did something, he did it to the full extent of his capabilities. As a person, he was everybody's friend.

Jon strove for excellence in everything he attempted. This straightforward approach to life would help him achieve his lifelong dream of becoming a Marine. Regarding Jon's goal of serving our country, his football coach, Jim Gill, had this to say:

He was always interested in the military. I think when he joined the Marines and reached boot camp, he reached his goals. [With] the dedication he put into things he did, there was never any doubt he would succeed."

Jon's former defensive ends coach Dave Pyles agreed. "Jon fit the bill of a Marine," he said. "Being the first in, that was him." For Jon, there was no greater privilege than to serve and protect this country.

Upon graduation from Wheelersburg High School in 2002, Jon and his three closest friends—James, Josh, and Alex—joined the Marines and endured the rigors of boot camp—together. Unsurprisingly, Jon's dedication was evident during this challenging time. His friends described him as "the rock"—the one who they could all depend on for strength and resolve. Among the very best of the Marine Corps, Jon stood out.

After completing his training at Parris Island, Jon was stationed in Hawaii and spent 3 months in Thailand—plus time in Okinawa, Korea, and Japan—before going to Iraq. During this time, he was able to see and explore a world much larger than most could imagine.

When Jon arrived in Iraq, he immediately moved to the front lines, near Fallujah. He was enthusiastic about his job and excited to be there. He wanted to make a difference. His father remembers that Jon was doing what he loved—what he believed in. As his sister Angie said, "My brother was very much military material."

I had the privilege of attending Marine Lance Corporal Etterling's funeral and to meet his family and to see the overwhelming outpouring of love and support. Jon's three best friends—his brothers—James Howard, Josh Huddleston, and Alex Watts were able to attend the funeral, as well. The Four Musketeers were united once again.

Jon's life and his service to this country will not be forgotten. Upbeat and cheerful, he was always willing to lend a hand to those who needed it. He could be counted on to do the right thing. He had an incredible work ethic, a strong faith, and a deep respect for others. And no matter how difficult they were, he always accomplished his goals.

His father summed it up best, when he said: "I just can't be more proud of him."

My wife Fran and I continue to keep the family and friends of Lance Corporal Jonathan Etterling in our thoughts and prayers.

EFFECTIVE PHYSICIAN ASSISTANCE FOR DRUG TREATMENT ACT

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. 4115, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4115) to amend the Controlled Substances Act to increase the effectiveness of physician assistance for drug treatment.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4115) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Effective Physician Assistance for Drug Treatment Act".

SEC. 2. CONTROLLED SUBSTANCES ACT AMENDMENTS.

Section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)) is amended—

(1) in subparagraph (B)(iii), by striking "except that the" and inserting the following: "unless, not sooner than 1 year after the date on which the practitioner submitted the initial notification, the practitioner submits a second notification to the Secretary of the need and intent of the practitioner to treat up to 100 patients. A second notification under this clause shall contain the certifications required by clauses (i) and (ii) of this subparagraph. The"; and

(2) in subparagraph (J)—

(A) in clause (i), by striking "thereafter" and all that follows through the period and inserting "thereafter";

(B) in clause (ii), by striking "Drug Addiction Treatment Act of 2000" and inserting "Effective Physician Assistance for Drug Treatment Act"; and

(C) in clause (iii), by striking "this paragraph should not remain in effect, this paragraph ceases to be in effect" and inserting "subparagraph (B)(iii) should be applied by limiting the total number of patients a practitioner may treat to 30, then the provisions in such subparagraph (B)(iii) permitting more than 30 patients shall not apply, effective".

PREVENTING THE MISUSE OF THE RED CRESCENT EMBLEM

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6338, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6338) to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6338) was ordered to a third reading, was read the third time, and passed.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING SENATORIAL SERVICE

PAUL SARBANES

Mr. HARKIN. Mr. President, with the close of the 109th Congress, the Senate will lose to retirement one of our most seasoned and respected Members—Senator PAUL SARBANES of Maryland. Across five terms in this body and before that three terms in the House of Representatives, where I was privileged to serve with him also, PAUL SARBANES has made his mark as a serious and diligent legislator, a classic workhorse Senator rather than a showhorse Senator. The Baltimore Sun has called him the silver fox Senator who “works quietly but with shrewd skillfulness.”

I have always respected and admired Senator SARBANES, both as a stalwart Democrat and also always a proud, unabashed progressive.

As a young man, he graduated from Princeton and went on to Oxford as a Rhodes Scholar and then Harvard Law School. But he never forgot his experiences growing up among the families of Maryland's Eastern Shore. He never forgot his roots as the son of a Greek immigrant who worked long hours to build a successful restaurant business.

In the Senate, PAUL SARBANES has been outspoken in his support for public schools, expanded access to higher education, to job training, and the other essential rungs on the ladder of economic opportunity in America.

He has fought to protect Social Security, to clean up corruption in the business world. In the wake of the Enron and WorldCom scandals, Senator SARBANES took the lead in crafting legislation to prevent the recurrence of the rampant accounting fraud that was destroying confidence in corporate America.

In the early years of this past decade, in classic Sarbanes style—methodically, thoughtfully, and minimum of partisanship—he held 10 hearings on the issue in 2002, listening to all points of view. The result is known universally as the Sarbanes-Oxley law which cleaned up the accounting industry and mandated new disclosure and conflict-

of-interest reporting requirements on U.S. corporations.

There are many reasons why PAUL SARBANES is the longest serving Senator in Maryland history. Throughout his career in this body, he has fought hard on issues of special importance to Maryland, including legislation to protect the Chesapeake Bay. But he has never lost touch with his roots among working people and the immigrant community.

He has always been a model public servant, a person of enormous intellect, intelligence, integrity, and industry. For 30 years in the Senate, PAUL SARBANES has faithfully served the people of Maryland and the people of the United States, and there is no doubt he will pursue new avenues of public service in retirement.

I will miss his friendship, I will miss his wise counsel in the Senate, but I wish PAUL and also his wonderful wife Christine all the best in the years ahead.

MARK DAYTON

Mr. President, I would like to follow that up by expressing my respect and admiration for a longtime friend of mine, my neighbor to the north, so to speak, who is also retiring this year; that is, our Senator from Minnesota, MARK DAYTON.

Senator DAYTON is a public servant in the purest sense of that term. He did not come to the Senate 6 years ago in search of status or celebrity or power for power's sake. He has never sought the spotlight. He came here for one reason: to serve the people of Minnesota and of the United States. He has done so in a diligent, consistent, and selfless manner.

I especially appreciate the way Senator DAYTON has followed in the progressive tradition of Minnesota's great Senators, Hubert Humphrey, Gene McCarthy, Chris Mondale, and Paul Wellstone. On issue after issue, he has fought for working people and their families, for seniors, and for the least fortunate among us. To take just one case in point, no Senator has been more persistent and eloquent in fighting to allow seniors to purchase prescription drugs in Canada where pharmaceuticals are oftentimes less expensive. He has donated his entire Senate salary to the Minnesota Senior Federation to help finance trips on the “Prescription Express” to purchase cheaper drugs in Canada, and he has gone to bat for seniors when they were harassed by border agents upon their return.

To his everlasting credit, Senator DAYTON voted against a resolution effectively authorizing the war in Iraq. He spoke out passionately against the dangers of launching that war. He has used his seat on the Armed Services Committee to take the administration to task for its multiple mistakes and failures in conducting that war. There has been a singular absence of effective oversight of this war on the part of this Congress, but as an individual Senator, MARK DAYTON has done his best to fill

that vacuum. On the Armed Services Committee, he has been courageous and outspoken, and we will remember him for that.

Throughout his adult life, MARK DAYTON has been devoted to serving others and looking out for those in the shadows of life. After graduating from Yale, he could have gone on in the family retail business. He could have coasted on his family's wealth, but he chose a very different course. He chose to work as a teacher for 3 years in a pretty tough public school on Manhattan's Lower East Side. Later he went to work as a counselor for runaway young people, as chief financial officer of a social service agency in Boston, and then as a staffer to Senator Walter Mondale. After returning home to Minnesota, he also served as the commissioner of the Minnesota Department of Energy and Economic Development. He was elected State auditor in 1990.

I think the first time I met MARK DAYTON, I was a Congressman in Iowa and he was running for the Senate in Minnesota, and that was 1982. I went up to campaign for him. I had been involved in agriculture and agricultural endeavors, and so I went up to meet with them and met this young guy running for the Senate. He was unsuccessful that year—I hope not due to the fact that I went to campaign for him. He was unsuccessful that year, but he never gave up. He never gave up trying to find new avenues to serving the people of Minnesota.

As I said, that culminated in him serving as the commissioner of the Department of Energy and Economic Development for a number of years under Governor Perpich and then being elected in his own right as the State auditor in 1990. Under his leadership as State auditor of Minnesota, he did a lot to make sure that State government was running efficiently and effectively and transparently and making sure the auditor's office kept a check on all the different agencies in Minnesota to make sure they were expending the taxpayers' dollars wisely and legally and transparently.

So I was delighted when, even though in 1982 he didn't make it to the Senate, he then made it in the year 2000. In the last 6 years, again, as I said, MARK DAYTON has devoted himself selflessly to helping people less fortunate in our society. His common theme has been amplified powerfully: his passion for public service and his commitment to looking out for others. So I have no doubt that MARK will pursue other avenues of public service in the years ahead.

I will miss his friendship here on the Senate floor, but our friendship will continue. I know that in whatever capacity he can find, he will do what he can to make Minnesota and our country a better, fairer, and more just place for all its citizens. I certainly wish my good friend MARK DAYTON the best in the years ahead.